

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNNY JEAN,

Petitioner,

v.

WARDEN, USP-ATWATER,

Respondent.

No. 1:22-cv-00496-AWI-SKO (HC)

JOHNNY JEAN,

Petitioner,

v.

WARDEN, USP-ATWATER,

Respondent.

No. 1:22-cv-01039-SKO (HC)

RELATED CASE ORDER

Petitioner Johnny Jean, a federal prisoner proceeding *pro se*, brings this petition for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner was convicted in the United States District Court for the Southern District of Florida. Petitioner is incarcerated at the U.S. Penitentiary in Atwater, California.

Petitioner filed his first federal habeas petition in the Sacramento Division of this Court on April 18, 2022. Since venue was proper in the Fresno Division, the case was transferred on April 27, 2022, and assigned Case No. 1:22-cv-00496-SKO-HC. After screening the petition, the Court issued an order directing Respondent to file a response to the petition.

1 Petitioner filed a second federal habeas petition in the Sacramento Division of this Court
2 on June 3, 2022. The case was assigned Case No. 2:22-cv-00951-DMC-HC. On June 3, 2022,
3 Respondent was directed to file a response.

4 On August 5, 2022, Respondent filed a notice of related case in both actions and requested
5 an extension of time. On August 18, 2022, the Sacramento Division transferred Case No. 2:22-
6 cv-00951-DMC-HC to the Fresno Division on the basis of venue. The case was assigned Case
7 No. 1:22-cv-01039-SKO-HC.

8 Pending before the Court is Respondent's notice of related cases concerning Case Nos.
9 1:22-cv-00496-SKO-HC and 1:22-cv-01039-SKO-HC. Both cases involve the same parties and
10 both cases seek habeas relief. Respondent claims that because of the similarity of the cases and
11 the successive nature of the second petition, the cases should be related. The Court agrees.
12 Pursuant to Local Rule 83-123(a) and (c), the Court finds that the interest of judicial economy
13 would best be served by relating the two cases.

14 Accordingly, the Court ORDERS as follows:

15 1. The case denominated as 1:22-cv-1039-SKO-HC is REASSIGNED to the
16 undersigned for all further proceedings. Since Magistrate Judge Sheila K. Oberto is the
17 magistrate judge in both cases, no reassignment of magistrate judges is necessary. Henceforth,
18 the caption on documents filed in the reassigned case shall be Case No. 1:22-cv-01039-AWI-
19 SKO-HC. Any dates currently set in the two cases remain as set.

20 2. The cases are REFERRED BACK to Magistrate Judge Sheila K. Oberto for further
21 proceedings pursuant to 28 U.S.C. § 636(b).

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23 IT IS SO ORDERED.

24 Dated: September 30, 2022


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28 SENIOR DISTRICT JUDGE